

1 DAVID R. ONGARO, State Bar No. 154698
2 AMELIA D. WINCHESTER, State Bar No. 257928
3 ONGARO BURTT & LOUDERBACK LLP
4 595 Market St., Suite 610
San Francisco, CA 94105
Tel: (415) 433-3900 Fax: (415) 433-3950

5 LAWRENCE D. MURRAY, State Bar No. 77536
6 ROBERT C. STRICKLAND, State Bar No. 243757
MURRAY & ASSOCIATES
7 1781 Union Street
San Francisco, CA 94123
Tel: 415 673-0555 Fax: 415 928-4084

8 Attorneys for Plaintiffs Boris Y. Levitt
9 *et al.*

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 BORIS Y. LEVITT, CATS AND DOGS
13 ANIMAL HOSPITAL, INC., TRACY CHAN,
14 and BLEEDING HEART, LLC d/b/a
15 BLEEDING HEART BAKERY; on behalf of
themselves and all others similarly situated,

16 Plaintiffs,

17 v.

18 YELP! INC.; and DOES 1 through 100,
19 inclusive,

20 Defendants.

Case No. CV 10-01321 MHP
Consolidated with CV 3:10-cv-02351MHP

**STIPULATION AND ~~[PROPOSED]~~
ORDER MODIFYING BRIEFING
SCHEDULE AND HEARING DATE
FOR DEFENDANT'S MOTION TO
DISMISS**

WHEREAS, on September 23, 2010, Plaintiffs filed a First Amended and Consolidated Complaint (“FAC”) in the above-entitled matter;

WHEREAS, on October 22, 2010, Defendant filed a motion to dismiss Plaintiffs’ FAC;

WHEREAS, the hearing for Defendant’s motion to dismiss is currently set for November 29, 2010, with the deadlines for the opposition and reply briefs scheduled for November 8, 2010 and November 15, 2010, respectively;

WHEREAS, due to a travel conflict and a hearing scheduled in another matter, Defense counsel is unavailable to attend the hearing on the noticed hearing date;

WHEREAS, the parties also are in the process of meeting and conferring regarding the possibility of stipulating to allow Plaintiffs to file a Second Amended Complaint and agree that delaying the briefing schedule for Defendant’s motion to dismiss will allow the parties additional time to confer about this issue;

WHEREAS, the first available hearing date on the Court’s calendar when counsel for both parties will be available is January 31, 2011;

THEREFORE, it is hereby stipulated and agreed to by and between the parties, through their counsel of record, that the deadline for Plaintiffs to file an opposition brief to Defendant’s Motion to Dismiss shall be December 7, 2010 and the deadline for Defendant to file a reply brief shall be December 21, 2010. Defendant’s Motion to Dismiss shall be heard on January 31, 2011 or as soon thereafter as is convenient with the Court’s calendar

DATED: November 3, 2010

ONGARO BURTT & LOUDERBACK LLP

By: /s/ Amelia D. Winchester
Amelia D. Winchester

Attorneys for Plaintiffs Boris Y. Levitt *et al.*

1 DATED: November 3, 2010

GIBSON DUNN & CRUTCHER LLP

2 By: /s/ Susannah Wright
3 Susannah Stroud Wright

4 Attorneys for Defendant
5 Yelp! Inc.

6
7 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

8
9 DATED: 11/4/2010

10 By: United States District Court
11



ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Amelia D. Winchester, attest that concurrence in the filing of this Stipulation and [Proposed] Order has been obtained from each of the other signatories.

DATED: November 3, 2010

By: /s/ Amelia D. Winchester
Amelia D. Winchester